

## AG: Governor Wrongfully Withheld Emails

James Monteleone / Journal Staff Writer

Gov. Susana Martinez's office wrongfully withheld records after an Inspection of Public Records Act request for emails related to state business sent by staffers using private email addresses, according to the Attorney General's Office.



Attorney General Gary King's office directed the governor's staff in a letter sent Tuesday to reconsider a records request submitted in June by the Santa Fe Reporter to determine whether additional private emails meet the state requirements for public records release.

"If email is used to conduct public business, the email is a public record, without regard to whether the email is created or maintained on a public or private email account," the AG's letter to the Governor's Office said.

King, a Democrat, has said he plans to run for governor against Martinez in 2014.

The Santa Fe Reporter filed a complaint with the Attorney General's Office in August after the governor's records custodian failed to release at least one known email related to unionized teachers sent by Public Education Department spokesman Larry Behrens using a private email account.

Martinez spokesman Enrique Knell said the governor's office had not received the letter Wednesday.

Santa Fe Reporter Editor Alexa Schirtzinger said the weekly newspaper welcomed the AG's finding.

"We continue to believe that these emails are a matter of public record and should have been released to us per our request under the New Mexico Inspection of Public Records Act," Schirtzinger said in a statement.

The pressure for the governor to release private emails comes after King's office in December released hundreds of private emails affiliated with the governor's 2010 election campaign, including many that were unrelated to public business. The governor's office has criticized the release of private emails unrelated to state affairs.

King has said his office is investigating the Martinez administration's use of private email accounts.

Meanwhile, the FBI has said it is investigating whether the campaign accounts were illegally hacked.

Martinez in 2012 mandated that all state employees use state-operated email accounts when conducting state business.

— This article appeared on page C2 of the Albuquerque Journal

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### Suggested Reading:

- [AG King Releases Martinez Emails](#)
- [Alleged Misconduct Isn't About Emails, King Says](#)
- [Public Documents In Private Emails](#)
- [Charges Fly Over Emails](#)

- [Johnson, Richardson Both Shunned State Email](#)

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